

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

Paper No. **39**

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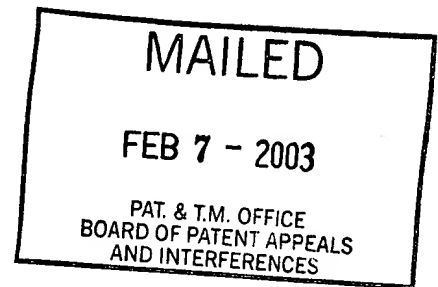
Filed  
February 7, 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

SCOTT C. CHAPPEL  
Junior Party,  
(U.S. Patent No. 5,272,071),  
v.

ARTHUR I. SKOULTCHI  
Senior Party,  
(Application 08/102,390).



Patent Interference No. 103,737 (MPT)

**NOTICE REDECLARING AND TRANSFERRING INTERFERENCE**

This interference was originally declared on March 26, 1996. Since that time, the Board has established new procedures designed to make the submission and consideration of papers more efficient. To implement these procedures, this interference is redeclared and transferred to the Trial Section. Administrative Patent Judge ("APJ") Michael P. Tierney has been designated to handle the redeclared interference. 37 CFR § 1.610(a).

The parties have already filed numerous papers in this interference. Those papers are retained. The APJ notes that in deciding the issues presented by the parties, the Board will apply the law and rules as they exist at the time of the decision. United States Olympic Cmte. v. Toy Truck Lines, Inc., 237 F.3d 1331, 1334, 57 USPQ2d 1380, 1382 (Fed. Cir. 2001). ("The general rule is that a tribunal must apply the law as it exists at the time of the decision.").

A Trial Section STANDING ORDER accompanies this NOTICE REDECLARING INTERFERENCE. The STANDING ORDER applies to any further actions taken by the parties in this interference. Additionally, papers filed in this interference should include the new caption provided above.

This interference was declared with a single count, Count 1. (Notice Declaring Interference, Paper No. 1, Attachment, p. 3). The count, claim correspondence and accorded priority benefit remain unchanged, subject to consideration of the motions already on record.

To aid in the efficient administration of this interference, within **fourteen (14) days** of this redeclaration the parties are to file copies of the following papers identified in the Standing Order:

- § 7: Identification of lead and backup counsel.
- § 8: Updated listing of the real party in interest.
- § 20: Filing clean copy of claims.

Additionally, within **twenty-one (21) days** of this redeclaration, the parties are to file a brief statement regarding the status of any previous or ongoing settlement negotiations. No other papers may be filed without express permission of an APJ.

  
MICHAEL P. TIERNEY  
Administrative Patent Judge

Enc:

Copy of STANDING ORDER

cc: (Via Federal Express)

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